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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,535	08/07/2000	KRZYSZTOF D. MALOWANIEC		1566

23364 7590 12/01/2005
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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,535

Applicant(s)

MALOWANIEC ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Repeated Rejection

1. The 35 U.S.C. 103 rejection of claims 22 – 37 and 44 – 47 over Wahlquist et al. in view of Morman et al. in the office action dated May 2, 2005 is repeated for the reasons previously of record as the Applicant's argument is unpersuasive.

2. The 35 U.S.C. 103 rejection of claims 38 - 43 over Wahlquist et al. in view of Morman et al. and Tapp in the office action dated May 2, 2005 is repeated for the reasons previously of record as the Applicant's argument is unpersuasive.

Response to Arguments

3. Applicant's arguments filed October 3, 2005 with regard to 35 U.S.C. 103 rejection of claims 22 – 37 and 44 – 47 over Wahlquist et al. in view of Morman et al. have been fully considered but they are not persuasive.

In response to Applicant's argument that the subject matter of claim 22 is not obvious and instead involves an inventive step by departing from the general disclosure and concept of Wahlquist et al. since making the combination of Wahlquist et al. and Morman et al. to change the order of the layers is a contradiction the invention of Wahlquist et al., while the specification does disclose the continuous filament web 10 to be on top of the mat of microfibers 12, the specification of Wahlquist et al. also discloses that "continuous filament web may vary from 0 to

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75 percent of the fibrous section and , conversely, the microfiber mat may vary from 25 to 100 percent of the fibrous section, depending on the level of either property desired for the finished laminate.” (Column 10, lines 26 – 32). Wahlquist et al. clearly states that the continuous filament web 10 does not even have to be present on top of the microfibers. Therefore, it would be obvious to one of ordinary skill in the art to provide the microfiber layer as the outer layer of the composite material since Wahlquist et al. teach that it may function as an outer layer of a disposable hygienic article while Morman et al. teach an outer surface of spunbound/meltblown layered material is resistant to abrasion and snagging by sticks and hooked materials.

4. Applicant's arguments filed October 3, 2005 with regard to 35 U.S.C. 103 rejection of claims 38 - 43 over Wahlquist et al. in view of Morman et al. and Tapp have been fully considered but they are not persuasive.

In response to Applicant's argument Tapp fails to provide the teaching link that is lacking in the combination of Wahlquist et al. and Morman et al., please see the above stated argument with regard to the combination of Wahlquist et al. and Morman et al.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

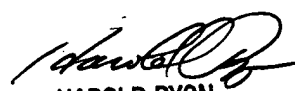
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772


pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

11/28/05